



## Senate

General Assembly

February Session, 2010

**File No. 543**

Senate Bill No. 437

*Senate, April 14, 2010*

The Committee on Finance, Revenue and Bonding reported through SEN. DAILY of the 33rd Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

### **AN ACT CONCERNING THE TOBACCO PRODUCTS TAX.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 12-330a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2010*):

3 As used in this chapter:

4 (1) "Commissioner" means the Commissioner of Revenue Services;

5 (2) "Tobacco products" means cigars, cheroots, stogies, periques,  
6 granulated, plug cut, crimp cut, ready rubbed and other smoking  
7 tobacco, snuff tobacco products, cavendish, plug and twist tobacco,  
8 fine cut and other chewing tobaccos, shorts, refuse scraps, clippings,  
9 cuttings and sweepings of tobacco and all other kinds and forms of  
10 tobacco, prepared in such manner as to be suitable for chewing or  
11 smoking in a pipe or otherwise or for both chewing and smoking, but  
12 shall not include any cigarette, as defined in section 12-285;

13 (3) "Distributor" means (A) any person in this state engaged in the  
14 business of manufacturing tobacco products, (B) any person who  
15 purchases untaxed tobacco products at wholesale from manufacturers  
16 or other distributors for sale, or (C) any person who imports into this  
17 state untaxed tobacco products, at least seventy-five per cent of which  
18 are to be sold;

19 (4) "Unclassified importer" means any person, other than a  
20 distributor, who imports, receives or acquires untaxed tobacco  
21 products from outside this state for his or her personal use or  
22 consumption in this state;

23 (5) "Sale" or "sell" includes or applies to gifts, exchanges and barter;

24 (6) "Wholesale sales price" means, in the case of a manufacturer of  
25 tobacco products, the price set for such products or, if no price has  
26 been set, the wholesale value of such products, and, in the case of a  
27 distributor who is not a manufacturer of tobacco products, the price at  
28 which the distributor purchased such products, and, in the case of an  
29 unclassified importer of tobacco products, the price at which the  
30 unclassified importer purchased such products;

31 (7) "Snuff tobacco products" means only those snuff tobacco  
32 products that have imprinted on the packages the designation "snuff"  
33 or "snuff flour", or the federal tax designation "Tax Class M", or both;

34 (8) "Untaxed tobacco products" means tobacco products upon which  
35 no tax has been paid in accordance with the provisions of this chapter;  
36 [and]

37 (9) "Taxed tobacco products" means tobacco products upon which  
38 tax has been paid in accordance with the provisions of this chapter;  
39 and

40 (10) "Noncigarette smoking tobacco" means tobacco sold in loose or  
41 bulk form that is intended for consumption by smoking, and includes  
42 pipe tobacco and roll-your-own tobacco.

43       Sec. 2. Section 12-330c of the 2010 supplement to the general statutes  
 44       is repealed and the following is substituted in lieu thereof (*Effective July*  
 45       *1, 2010*):

46       (a) (1) A tax is imposed on all untaxed tobacco products held in this  
 47       state by any person. Except as otherwise provided in [subdivision (2)]  
 48       subdivisions (2) and (3) of this subsection, [with respect to the rate of  
 49       tax on snuff tobacco products,] the tax shall be imposed at the rate of  
 50       twenty-seven and one-half per cent of the wholesale sales price of such  
 51       products.

52       (2) The tax shall be imposed on snuff tobacco products, on the net  
 53       weight as listed by the manufacturer, as follows: Fifty-five cents per  
 54       ounce of snuff and a proportionate tax at the like rate on all fractional  
 55       parts of an ounce of snuff.

56       (3) The tax shall be imposed on noncigarette smoking tobacco at the  
 57       rate of one hundred fifty mills for each 0.0325 ounces.

58       (b) Said tax shall be imposed on the distributor or the unclassified  
 59       importer at the time the tobacco product is manufactured, purchased,  
 60       imported, received or acquired in this state.

61       (c) Said tax shall not be imposed on any tobacco products which (1)  
 62       are exported from the state, or (2) are not subject to taxation by this  
 63       state pursuant to any laws of the United States.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2010</i>	12-330a
Sec. 2	<i>July 1, 2010</i>	12-330c

**FIN**           *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

### **OFA Fiscal Note**

#### **State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 11 \$</b>	<b>FY 12 \$</b>
Department of Revenue Services	GF - Revenue Gain	1.3 million	1.3 million

Note: GF=General Fund

**Municipal Impact:** None

#### **Explanation**

The bill changes the tobacco products tax on noncigarette smoking tobacco to make it equivalent to the tax rate on cigarettes. This is anticipated to result in a General Fund revenue gain of approximately \$1.3 million annually beginning in FY 11, based on an average of approximately 460,000 ounces of roll-your-own and pipe tobacco sold each year in Connecticut.

#### **The Out Years**

Assuming no changes in behavior on the part of noncigarette smoking tobacco consumers, the annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

Sources: Department of Revenue Services, Excise Division

**OLR Bill Analysis****SB 437*****AN ACT CONCERNING THE TOBACCO PRODUCTS TAX.*****SUMMARY:**

The bill changes the tobacco products tax on noncigarette smoking tobacco, including pipe and roll-your-own tobacco, from 27.5% of the wholesale price to 15 cents (150 mills) per 0.0325 ounces. The new tax rate applies to tobacco that is (1) sold loose or in bulk and (2) intended to be consumed by smoking.

EFFECTIVE DATE: July 1, 2010

**COMMITTEE ACTION**

Finance, Revenue and Bonding Committee

Joint Favorable

Yea 44      Nay 5      (04/01/2010)